IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1179 OF 2006
IN
CRIMINAL APPEAL NO.1115 OF 2006

Dhondiram Vithu Patil & Ors. ...Applicants
Versus
The State of Maharashtra ...Respondent

Shri Shekhar A.Ingawale for the Applicants.
Ms S.V.Gajare, A.P.P for the Respondent.

CORAM : A. S. OKA, J.
DATE : DECEMBER 04, 2006.

P.C.:

1. Heard the Advocate appearing for the Applicants and the learned A.P.P for the State. The conviction of the Applicant Nos.1 and 2 is for an offence under section 498-A read with section 34 of the Indian Penal Code as well as for an offence under section 306 read with section 34 of the Indian Penal Code. The substantive sentence for offence under section 306 read with section 34 of the Indian Penal Code is rigorous imprisonment for ten years. I have perused the notes of evidence. The findings recorded against the Applicant Nos.1 and 2 are of very serious nature. Considering the evidence of prosecution witnesses and in particular evidence of P.W.4 and considering the gravity of the offence, no case is made out for grant of bail in favour of the Applicant Nos.1 and 2.

2. The Applicant Nos.3 and 4 are also convicted

for offences under section 498-A and 306 read with section 34 of the Indian Penal Code. The maximum substantive sentence imposed on the Applicant Nos.3 and 4 is of five years. The present age of the Applicant No.3 is 61 years and that of the Applicant No.4 is 60 years. The Applicant Nos.3 and 4 were on bail throughout the trial and no allegation of misuse of liberty is made against the said Applicants. Hence, the said Applicants deserve to be enlarged on bail.

3. Hence, I pass the following order:

(i) Application is rejected in so far as the Applicant Nos.1 and 2 are concerned.

(ii) The Applicant Nos.3 Vithu Bhima Patil and the Applicant No. 4 Sau Banubai Vithu Patil shall be enlarged on the same bail on which they were enlarged during the pendency of the trial subject to filing fresh bail bonds.

(iii) The Applicant Nos.3 and 4 shall report to Radhanagari Police Station, Kolhapur on the first Saturday of every calendar month till the disposal of the Appeal.

(iv) Parties to act upon an authenticated copy of

this order.

JUDGE